

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND
SUPERVISION,

Plaintiff,

WILLIAM H. YARBOROUGH, M.D.
Medical License No. 11837,

CASE NO. 88-8-649

Defendant.

MOTION TO TABLE COMPLAINT OF CONTEMPT
AND REDUCE SUPERVISION FROM LEVEL I TO LEVEL II

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on November 2, 1991, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and William H. Yarborough, M.D., Defendant, appeared in person, pro se, waived his right to counsel, and agreed to proceed.

The Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits and being fully advised in the premises, the Oklahoma Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, William H. Yarborough, M.D., holds Oklahoma Medical License No. 11837.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That Defendant testified at length concerning incurring financial losses in the approximate amount of \$600,000.00 to include his home, two rental properties and legal services expended. Defendant also testified concerning Internal Revenue Service levy on income from the University of Oklahoma College of Medicine, Tulsa Campus, and additional amounts due on credit cards and to the IRS.
4. Before the Board made any findings, motion was made to table further consideration on this matter until the Board meeting scheduled for June, 1992. In the meantime, Defendant was ordered to meet with the Board Secretary and provide financial statement and tax returns relating to his present financial condition.
5. That evidence indicated Defendant could be reduced from Level I to Level II probation status.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction of this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1990, Section 481 et seq., and by its previous orders in this cause.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That Complaint of Contempt filed herein and further hearing and consideration of same should be and the same is hereby TABLED until the Board meeting scheduled for June, 1992. It is further ordered that the Defendant meet with the Board Secretary before the aforesaid Board meeting and provide financial statement, tax returns and other records relating to his financial condition.

2. That the Defendant should be and is hereby reduced from Level I to Level II probation status.

3. That the Defendant, William H. Yarborough, M.D., holding Oklahoma Medical License No. 11837, should be and is hereby retained on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on September 1, 1990, under the following terms and conditions:

- (a) That during the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has an affirmative duty to advise any physician treating him of Defendant's previous substance abuse.
- (b) During the period of probation Defendant will abstain from consuming alcohol or any substance, licit or illicit, specifically including but not limited to controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- (c) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.
- (d) During the period of probation Defendant will continue regular attendance and participation in meetings of the OSMA Physician Recovery Committee or similar organizations, and said Defendant shall report periodically when requested by the Board or Board representative on his proof of attendance and shall continue all supportive programs recommended thereby.
- (e) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.

- f) Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.
- g) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.


Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the cost of investigation, prosecution and probation of this case.

- (i) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Board order and supply a copy thereof.
- j) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after due notice to the Defendant.

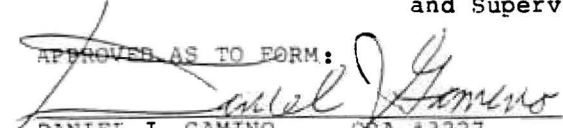
4. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

5. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke his Oklahoma Medical License, after additional due notice and hearing.

DATED this 6 day of November, 1991.


GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:


DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 12 day of November, 1991, to:

WILLIAM H. YARBOROUGH, M.D.
2853 S. 96th E. Place
Tulsa, OK 74129

